

NPDES & Mining

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NPDES

- ❑ National Pollutant Discharge Elimination System
 - ❑ Controls the discharge of pollutants from point sources into waters of the United States
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What NPDES does:

- ☐ Makes a discharge legal.
 - ☐ Limits the amount of pollutants that are allowed to be discharged.
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Makes a discharge legal:

Section 301(a) of the Clean Water Act states:

Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

Section 402 is NPDES Program

Section 402 of the CWA

☐ EPA currently:

- Drafts permits with technology or water quality based limits (the most stringent of either)
 - Issues permits to discharges
 - Conducts compliance inspections
 - Tracks permit compliance
 - Takes enforcement actions when necessary
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Federal Involvement in Mining

- ☐ EPA
 - ☐ US Army Corps of Engineers
 - ☐ USFWS
 - ☐ NMFS
 - ☐ MSHA
 - ☐ ATF
 - ☐ FCC, FAA, Coast Guard
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EPA

- ❑ CWA § 402 (NPDES)
 - NPDES wastewater discharge permit
 - Storm Water Construction
 - Storm Water Operation
 - ❑ CWA § 404 Permit Review
 - ❑ Spill Prevention, Control, Countermeasure (SPCC) Plan
 - ❑ Underground Injection Control (UIC) permit
 - ❑ Historical & Cultural Resources Protection
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Army Corps of Engineers

- ❑ CWA § 404 Dredge and Fill Permit
 - ❑ Historical & Cultural Resources
Protection under § 106 of the National
Historic Preservation Act
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NMFS

- ☐ ESA § 7 Threatened & Endangered Species Consultation
 - ☐ Essential Fish Habitat under the Magnuson-Stevens Act
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USFWS

- ☐ ESA § 7 Threatened & Endangered Species Consultation
 - ☐ Bald Eagle Protection Act Clearance
 - ☐ Migratory Bird Protection
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MSHA

- ☐ Mine ID Number
 - ☐ Miner Training & Retraining Plan Approval
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ATF

- ☐ License to transport explosives
 - ☐ Permit and license for use of explosives
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Other Federal Actions

☐ FCC

- Radio license

☐ FAA

- Notice of Landing Area Proposal
- Notice of Controlled Firing Area for blasting

☐ USCG

- Bridge Construction Permit across navigable waters
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State of Alaska

- ☐ ADNRR
 - ☐ ADEC
 - ☐ ADOT/PF
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ADNR - 1

- ☐ Plan of Operations approval
 - ☐ Upland Mining, mill site & other State land Leases
 - ☐ Miscellaneous land use permit
 - ☐ Access Road & Power Line Rights of Way
 - ☐ Certificates of Approval to Construct & Operate a Dam
 - ☐ ACMP Consistency Determination
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ADNR - 2

- ☐ Permit to Appropriate Water
 - ☐ Material Sale
 - ☐ Burn Permit
 - ☐ Cultural Resources Authorizations
 - ☐ Mining License
 - ☐ Fish Passage
 - ☐ Fish Habitat Permit
 - ☐ Temporary Water Use Permit
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ADEC - 1

- ☐ Certify 402 and 404 Permits
 - ☐ Solid Waste Disposal Permit
 - ☐ Air Quality Control Permit to Construct & Operate
 - ☐ Air Quality Permit to Open Burn
 - ☐ Approval to Construct & Operate a Public Water Supply System
 - ☐ Plan Review & Construction approval for Domestic Sewage System
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ADEC - 2

- ☐ Plan review for non-domestic wastewater treatment system
 - ☐ Non-Domestic Wastewater disposal permit
 - ☐ SPCC Plan Review/Approval
 - ☐ Storm Water Pollution Prevention Plan
 - ☐ Food Sanitation Permit
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DOT/PF

☐ Driveway Permit

NPDES is a drop in the bucket



What else does NPDES do?

- ❑ For discharges with New Source Performance Standards, filing a federal NPDES application triggers NEPA.
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What is NEPA?

- ❑ National Environmental Policy Act
 - ❑ Other federal actions can also trigger NEPA
 - ❑ Requires an Environmental Assessment (EA)
 - ❑ Could require an Environmental Impact Statement (EIS)
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EIS discusses impacts to:

- ☐ Hydrology
 - ☐ Air & Water Quality
 - ☐ Noise
 - ☐ Wetlands
 - ☐ Fish & Aquatic Habitat
 - ☐ Wildlife
 - ☐ Threatened & Endangered Species
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EIS (cont.)

- ☐ Socioeconomics
 - ☐ Land Use
 - ☐ Subsistence
 - ☐ Cultural Resources
 - ☐ Visual Resources
 - ☐ Recreation, Safety & Feasibility
 - ☐ Cumulative Impacts
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An EIS is

- ❑ NOT a decision document
 - ❑ It is a disclosure document prepared so agencies making decisions on a project are fully informed.
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Record of Decision

- An agency's permitting/project decision based on the information presented in the EIS.
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For more information on NEPA:

□ Hanh Shaw

NEPA Compliance Coordinator

1200 Sixth Avenue OWW-130

Seattle, WA 98101

(206) 553-0171/(800)424-4372

shaw.hanh@epa.gov

For more information on NPDES:

- Cindi Godsey
Alaska Mining Coordinator
222 W. 7th Avenue, Box 19
Anchorage, AK 99513
(907)271-6561/(800)781-0983
godsey.cindi@epa.gov
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